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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,602	12/08/2003	Susumu Fujioka	RCOH-1039USCON1	4020

21302 7590 01/09/2007

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EXAMINER	
PATEL, NITIN	
ART UNIT	**PAPER NUMBER**
2629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/730,602	FUJIOKA ET AL.	
	Examiner	Art Unit	
	Nitin Patel	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-82* is/are pending in the application.

4a) Of the above claim(s) *2-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,56,62,63,65,71,72,73,74 and 80-82* is/are rejected.

7)☒ Claim(s) *57-61,66-70 and 75-79* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 72,81 are objected to because of the following informalities: both claims depend on cancelled claims. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected on the ground of nonstatutory double patenting over claim1 of U. S. Patent No. 6,762,747since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

As per claim 1, reference '747 teaches a method of optically determining coordinates in a predetermined space, comprising: providing a predetermined number of pairs of light emitting elements and light detecting elements in the predetermined space defined by a predetermined number of axes; placing each of the pairs parallel to one of the predetermined number of the axes, each of the pairs including one linearly and equidistantly placed set of the light emitting elements and another linearly and equidistantly placed set of the light detecting elements; sequentially activating one of the light emitting elements in one of the pairs for emitting light; inputting input coordinates in the predetermined space by interrupting the emitted light from the sequentially activated one of the light emitting elements; detecting the light from the sequentially activated one of the light emitting elements at a plurality of predetermined ones of the light detecting elements of the one of the pairs so as to generate a detection result, the predetermined ones of the light detecting elements overlap for some of the sequentially activated ones of the light emitting elements; repeating said sequentially activating and said detecting for each of the predetermined number of the axes; and determining the input coordinates in the predetermined space based upon the detection result from said detecting(see claim 1of '747).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 56,62,65,71,72,73,74,80,81,82 is rejected under 35 U.S.C. 102(e) as being anticipated by Takekawa (U.S. patent No. 7,113,174).

As per claims 56,65,74 Takekawa shows a method of detecting coordinates based upon two groups of opposing pairs of light emitting elements and light detecting elements (In fig.4,8), the two groups being perpendicularly positioned along two directions and surrounding a two-dimensional coordinate input and detection area for accepting an input from a pointing means (In fig.8), a plurality of the light detecting elements being placed in a light emitting area of each of the light emitting elements to accept light emitted from each of the light emitting elements in an overlapping manner(in fig.4), comprising the steps of: sequentially and individually activating the light emitting elements; determining whether or not the light is interrupted along directions between activated one of the light emitting elements and the light detecting elements in the corresponding light emitting area of the activated light emitting element; calculating two-dimensional coordinates for the input from the pointing means based upon the positions of the activated light emitting element and one or more of the light detecting elements that have detected the interruption of the light in the corresponding light emitting area, which define the interrupted light detecting elements(In col.6 lines 52-67, col.7 lines 34-52, col.8 lines 1-60 and col.16 lines 1-42).

As per claims 62,63,71,72,80,81,82 Takekawa shows a method of detecting coordinates indicated by a pointing unit, comprising the steps of: providing a pair of a plurality of light emitting elements and a plurality of light detecting elements; placing the pair of the light emitting elements and the light detecting elements in a substantially perpendicular position; and placing the light detecting elements above the light emitting elements (In fig.4 and 8 and In col.6 lines 52-67, col.7 lines 34-52, col.8 lines 1-60 and col.16 lines 1-42).

Allowable Subject Matter

4. Claims 57-61,66-70,75-79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest wherein said calculating step further includes additional steps of: determining a central detector position of one or more of the interrupted light detecting elements; determining a minimal distance between the central detector position and one of the interrupted light detecting elements for each group of the light emitting elements and the light detecting elements; and calculating two-dimensional coordinates for the input from the pointing means based upon the positional relation between the minimal distance and the central detector position as claimed in claim 57,66,75.

The prior art fails to teach or suggest wherein said sequentially and individually activating step includes a continuously sequential activation mode for activating every one of the linearly placed light emitting elements and an alternate sequential activation

mode for alternating the activation of every one of the linearly placed light emitting elements and every Nth of the linearly placed light emitting elements, the alternate sequential activation mode being switched to the continuously sequential activation mode if it is determined that the input is placed in the coordinate input and detection area while the light emitting elements are activated in the discontinuously sequential activation mode, the continuously sequential activation mode being switched to the alternate sequential activation mode if it is determined that the input is not placed in the coordinate input and detection area while the light emitting elements are activated in the continuously sequential activation mode as claimed in claim 59.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 571-272-7677. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H. Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nitin Patel
Examiner
Art Unit 2629

Nitin Patel